



CONSTITUTION OF CABARITA BEACH BOWLS CLUB

1. PRELIMINARY

- 1.1 The name of the Club shall be "Cabarita Beach Bowls Club".
- 1.2 This Constitution shall be read in conjunction with, and subject to, the Constitution of the Registered Club.
- 1.3 All members of the Bowls Club are bound by the terms of this Constitution and they must comply with this Constitution.

2. DEFINITIONS

- 2.1 In this Constitution, unless there be something in the subject or context inconsistent therewith:
 - (a) **"Board"** means the Board of the Registered Club.
 - (b) **"Bowls Club"** means the Cabarita Beach Bowls Club.
 - (c) **"BowlsNSW"** means BowlsNSW Limited.
 - (d) **"CEO"** means the Chief Executive Officer of the Registered Club or his or her delegate.
 - (e) **"Management Committee"** means the Committee of the Bowls Club elected to office pursuant to this Constitution.
 - (f) **"Notice Board"** means the notice board at the Premises designated by the Board for use by the Bowls Club.
 - (g) **"Premises"** means the premises of the Registered Club located at Cabarita Road, Cabarita, NSW 2488.
 - (h) **"Registered Club"** means Cabarita Beach Bowls & Sports Club Limited.
 - (i) **"Sub Committee"** means a sub-committee created by the Management Committee pursuant to Rule 13.3.

3. STATUS

- 3.1 The Bowls Club was established by the Board pursuant to the Constitution of the Registered Club.
- 3.2 The Bowls Club is a sub club of the Registered Club subject to the control and direction of the Board.

4. OBJECTS

- 4.1 The objects of the Bowls Club are to promote, conduct and administer the organisation and playing of bowls at the Premises.

5. AFFILIATION

- 5.1 The Bowls Club shall be eligible to affiliate with and shall abide by the Rules and By-laws of BowlsNSW and such other similar associations and bodies, provided that the Board first approves such affiliation and the terms and such Rules and By-laws are not inconsistent with the Constitution of the Registered Club.

6. MEMBERSHIP

Categories of membership

- 6.1 The classes of membership of the Bowls Club shall be Life members, Bowls members, Junior Bowls members and Social members.

Eligibility requirements for categories of membership

- 6.2 A Life member shall be any member who is admitted as a Life member of the Bowls Club in accordance with such procedure as may be determined by the Board from time to time.
- 6.3 Bowls members shall be persons who have attained the age of eighteen (18) years and who are admitted to Bowls membership of the Bowls Club in accordance with such procedure as may be determined by the Board from time to time.
- 6.4 Junior Bowls members shall be persons who have not attained the age of eighteen (18) years and who are admitted to Junior Bowls members of the Bowls Club in accordance with such procedure as may be determined by the Board from time to time.
- 6.5 Social members shall be persons who have attained the age of eighteen (18) years and who are admitted to Social membership of the Registered Club in accordance with such procedure as may be determined by the Board from time to time.
- 6.6 A person can only be a member of the Bowls Club if they are a financial member of the Registered Club.

Rights and entitlements of categories of membership

- 6.7 Life members and Bowls members shall be entitled to:
- (a) playing and social rights available through membership of the Bowls Club; and
 - (b) attend and vote at general meetings;
 - (c) stand for and be elected or appointed to the Management Committee.
- 6.8 Junior Bowls members shall be entitled to playing and social rights available through membership of the Bowls Club but shall not be entitled to:
- (a) attend or vote at general meetings; or
 - (b) stand for or be elected or appointed to the Management Committee.
- 6.9 Social members shall be entitled to social rights available through membership of the Bowls Club but shall not be entitled to:
- (a) any playing rights available through membership of the Bowls Club; or
 - (b) attend or vote at general meetings; or
 - (c) stand for or be elected or appointed to the Management Committee.

Register of Members

- 6.10 The Bowls Club must keep and maintain a register of members.

7. ENTRANCE FEES AND ANNUAL SUBSCRIPTIONS

- 7.1 Entrance fees and annual subscriptions in respect of the Bowls Club shall be payable to the Registered Club and are in addition to the entrance fees and annual subscriptions payable by members of the Registered Club.
- 7.2 All entrance fees and annual subscriptions shall be due and payable on a date determined by

the Board from time to time.

- 7.3 Any person who has not paid his or her subscription by the due date shall cease to be a member of the Bowls Club and cease to be entitled to the privileges of membership of the Bowls Club.

8. RESIGNATION

- 8.1 A member may at any time resign from membership of the Bowls Club by giving notice in writing to the CEO, the Board or the Management Committee.
- 8.2 If a member ceases to be a member of the Registered Club that member shall, as from the date of such cessation, cease to be a member of the Bowls Club.

9. DISCIPLINARY PROCEEDINGS

- 9.1 Subject to this Rule 9, the Management Committee shall have power to reprimand or suspend playing rights (for up to a maximum period of four (4) weeks) of any member who, in the reasonable opinion of the Management Committee, is guilty of any conduct contrary to the Laws of the Game of Bowls as adopted by BowlsNSW.
- 9.2 A member shall be notified of any charge against the member pursuant to Rule 9.1 and the date, time and place of the hearing of the charge.
- 9.3 The member charged shall be notified of the matters in Rule 9.2 by notice in writing at least seven (7) clear days before the meeting of the Management Committee at which the charge is to be heard.
- 9.4 The member charged shall be entitled to attend the hearing for the purpose of answering the charge and shall also be entitled to submit to the meeting written representations for the purpose of answering the charge.
- 9.5 If the member fails to attend such meeting, the charge may be heard and dealt with and the Management Committee may decide on the evidence before it, the member's absence notwithstanding, but having regard to any representations which may have been made to it in writing by the member charged.
- 9.6 After the Management Committee has considered the evidence put before it, the Management Committee must come to a decision as to whether the member is guilty or not of the charge.
- 9.7 When the Management Committee has determined the issue of guilt, if the member charged is at the meeting, the Management Committee must inform the member whether or not the member has been found guilty.
- 9.8 If the member charged has been found guilty and is at the meeting, the member must be given a further opportunity at the meeting to address the Management Committee in relation to the appropriate penalty for the charge of which the member has been found guilty.
- 9.9 No motion by the Management Committee to reprimand or suspend the playing rights of a member shall be deemed to be passed unless a majority of the Management Committee members present in person vote in favour of such motion.
- 9.10 If a notice of charge is issued to a member pursuant to Rule 9.2, the Management Committee shall have power by resolution to suspend the playing rights of that member until the charge is heard and determined. Such suspension shall be promptly notified in writing to the member concerned.
- 9.11 The Management Committee shall provide a report to the Board of the circumstances relating to any disciplinary action taken by the Management Committee under Rule 9 and if necessary shall include a recommendation as to such action (if any) as the Management Committee thinks proper to be taken by the Board in relation to the member who is the subject of the disciplinary action.
- 9.12 Notwithstanding anything else contained in this Rule 9:
- (a) the Management Committee may, in its absolute discretion, refer disciplinary matters

to the Board and the Board may, in its absolute discretion, discipline the member in accordance with the Constitution of the Registered Club; and

- (b) the Board may discipline a member of the Bowls Club in accordance with the procedure set out in the Constitution of the Registered Club (irrespective of whether or not the Management Committee has commenced or already taken disciplinary action against a member).

10. MANAGEMENT COMMITTEE

- 10.1 The Management Committee shall consist of seven (7) committee members comprising a President, Vice President, Treasurer, two (2) Secretaries and two (2) Games/Match Coordinators.
- 10.2 The Management Committee shall be elected annually or appointed in accordance with this Constitution.
- 10.3 All members shall be eligible to stand for and be elected or appointed to the Management Committee other than Junior Bowls members, Social members or members who are presently under suspension pursuant to Rule 9.
- 10.4 On the date of the adoption of this Constitution, the Management Committee of the Bowls Club shall be comprised of such persons as may be determined by the Board.
- 10.5 Subject to this Constitution and the Constitution of the Registered Club, the Management Committee shall hold office until the conclusion of the first Annual General Meeting of the Bowls Club where they shall retire but shall be eligible for re-election.
- 10.6 The election of the Management Committee shall be conducted in such manner as determined by the Board (after consultation with the Management Committee). For the avoidance of doubt, the Board may determine that the whole election process will take place at the Annual General Meeting of the Bowls Club.
- 10.7 The Bowls Club must place a notice on the Notice Board at least fourteen (14) days prior to the date fixed for Annual General Meeting regarding the election of the Management Committee.

11. PROCEEDINGS OF MANAGEMENT COMMITTEE

- 11.1 The Management Committee shall be subject to the control and direction of the Board of the Registered Club.
- 11.2 The Management Committee may meet together for the dispatch of business, adjourn and otherwise regulate its meetings as it thinks fit provided that the Management Committee shall meet at least once in each calendar month for the transaction of business.
- 11.3 A record of all members of the Management Committee present at each Management Committee meeting and of all resolutions and proceedings of the Management Committee at such meeting shall be entered in a minute book provided for that purpose.
- 11.4 The President shall preside as chairperson at every meeting of the Management Committee. If the President is not present or is unwilling or unable to act then the Vice President shall preside as chairperson. If the Vice President is not present or is unwilling or unable to act then the members present shall elect one of their number as chairperson for that meeting.
- 11.5 The quorum for meetings of the Management Committee shall be four (4) members of the Management Committee present.
- 11.6 If a quorum is not present within fifteen (15) minutes from the time the meeting was to commence the meeting shall lapse.
- 11.7 The President or the Secretary may at any time and the Secretary upon the request of not less than two (2) members of the Management Committee shall convene a meeting of the Management Committee.
- 11.8 A meeting of the Management Committee can be called and held using technology.
- 11.9 In the case of an "in person" committee meeting, members of the Management Committee

shall be entitled to attend such meetings using technology.

- 11.10 A resolution in writing signed by all the members of the Management Committee shall be as valid and effectual as if it had been passed at a meeting of the Management Committee duly convened and held. Any such resolution may consist of several documents in like form each signed by one or more directors. The resolution shall be passed when the last director signs the document containing the resolution.
- 11.11 In addition to Rule 11.10, a resolution may be passed by the Management Committee if the proposed resolution is emailed to all members of the Management Committee and all committee members agree to the proposed resolution by sending a reply email to that effect to the President. The resolution shall be passed when the last committee member sends their email to the President agreeing to the resolution.
- 11.12 Subject to this Constitution, questions arising at any meeting of the Management Committee shall be decided by a majority of votes and a determination by a majority of the Management Committee shall for all purposes be deemed a determination of the Management Committee. In the case of an equality of votes the chairperson of the meeting shall have a second or casting vote.
- 11.13 The continuing members of the Management Committee may act notwithstanding any vacancy in the Management Committee, but if and so long as their number is reduced below the number fixed by this Constitution as the necessary quorum of the Management Committee, the continuing member, members or the CEO may act for the purpose of increasing the number of Management Committee members to that number, or for summoning a general meeting of the Bowls Club, but for no other purpose.

12. **VACANCIES ON MANAGEMENT COMMITTEE**

- 12.1 The office of a member of the Management Committee shall automatically be vacated if the person holding that office:
- (a) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health.
 - (b) is absent from meetings of the Management Committee for a continuous period of three (3) months without leave of absence from the Management Committee and the Management Committee resolves that the office has been vacated.
 - (c) resigns from office in writing.
 - (d) ceases to be a member of the Bowls Club and/or the Registered Club.
 - (e) is removed from office by a resolution to that effect by the Board;
- 12.2 The Management Committee shall have power to appoint an eligible member to any vacancy in any position on the Management Committee and the member so appointed shall hold office until the next Annual General Meeting of the Bowls Club.

13. **POWERS OF THE MANAGEMENT COMMITTEE**

General Power

- 13.1 Subject to the control and direction of the Board of the Registered Club, the Management Committee shall be responsible for the promotion, conduct, administration and organisation of the playing of bowls and social activities of the Bowls Club.

Specific Powers

- 13.2 Without derogating from the general powers conferred by Rule 13.1 or otherwise contained in this Constitution, the Management Committee shall have power to:
- (a) operate a bank account in the name of the Bowls Club provided that:
 - (i) the CEO and at least one (1) director of the Registered Club must have access to and be signatories to the bank account; and
 - (ii) any other persons who will have access to or be signatories to that bank

account must be first approved by the Board (with such consent approval not to be unreasonably withheld).

- (b) affiliate with BowlsNSW and any other sporting association whether incorporated or unincorporated and in accordance with this Constitution nominate members to represent the Bowls Club on such sporting association.
- (c) submit to the Board any complaint, report or suggestion.
- (d) recommend to the Board the competition fees payable by members of the Bowls Club.
- (e) disburse funds generated by the Bowls Club.
- (f) enter competitions and for that purpose select players, appoint captains and generally control such teams as they think fit.

Sub Committees

13.3 Without derogating from the general powers conferred by Rule 13.1, the Management Committee shall have power from time to time to delegate any of its powers to Sub Committees consisting of any:

- (a) Management Committee members;
- (b) members;
- (c) persons who are not members of the Bowls Club but who have particular skills or expertise which they will apply to a Sub Committee;

or any combination thereof. The Management Committee shall also have the power from time to time to revoke any such delegation.

13.4 Any Sub Committee so formed shall, in the exercise of the powers so delegated, conform to any regulation or restriction that the Management Committee may from time to time impose.

13.5 The President of the Management Committee shall be ex officio a member of all such Sub Committees and may nominate a committee member of the Management Committee to represent him or her on such Sub Committees.

13.6 Any Sub Committee may meet and adjourn as it thinks proper. Questions arising at any meeting of a Sub Committee shall be determined by a majority of votes of the members present and in the case of an equality of votes the CEO shall have a second or casting vote. In the case of an equality of votes and the CEO is not present, the chairperson of the meeting shall have a second or casting vote.

13.7 The meetings and proceedings of any Sub Committee consisting of two or more persons shall be governed by the provisions herein contained for regulating the meetings and proceedings of the Management Committee so far as the same are applicable thereto and are not superseded by this Rule or by any by-law made by the Board.

13.8 Any Sub Committee shall keep minutes of its meetings and will forthwith submit those minutes to the Management Committee and the Management Committee will retain those minutes as if they were minutes of the Management Committee.

By-Laws

13.9 Subject to clause 13.11, the Management Committee may make such By-laws, not inconsistent with this Constitution or the Constitution or By-Laws of the Registered Club, as are necessary or desirable for the proper promotion, conduct, administration, organisation or playing of bowls and may amend or repeal any such By-laws.

13.10 Any By-law made under Rule 13.9 shall come into force and be fully operative upon the posting of an appropriate notice containing such By-law on the Notice Board.

13.11 The Board or CEO may, acting reasonably, repeal any By-laws made by the Management Committee.

14. DUTIES OF MANAGEMENT COMMITTEE MEMBERS

President

14.1 The President shall:

- (a) act as chairperson of all meetings of the Bowls Club and the Management Committee.
- (b) present a report to the Annual General Meeting of the Bowls Club concerning its activities during the preceding year.
- (c) subject to the Constitution of the Registered Club, generally represent the Bowls Club to the Board and to the public (including other clubs and associations).
- (d) perform such other duties as may be determined by the Management Committee from time to time.

Vice President

14.2 The Vice President shall:

- (a) perform the duties of the President in the absence of the President; and
- (b) perform such other duties as may be determined by the Management Committee from time to time.

Treasurer

14.3 The Treasurer shall:

- (a) keep full and correct records of all monies received or disbursed by or on behalf of Bowls Club.
- (b) present at each monthly meeting of the Management Committee a financial statement and report detailing finances received and disbursed by the Management Committee for the previous month and shall forward a copy of each statement signed by the President to the Board and the CEO.
- (c) cause all funds received by the Management Committee to be deposited into the bank account maintained by the Registered Club for the Management Committee (except for any funds which will be retained in the "petty cash float").
- (d) prepare and submit to the Annual General Meeting of the Bowls Club a financial statement and report detailing all finances received and disbursed by the Management Committee and cause a copy of the financial statement and report to be forwarded to the Board and the CEO.
- (e) perform such other duties as may be determined by the Management Committee from time to time.

Secretaries

14.4 The Secretaries shall:

- (a) keep full and correct minutes of the Management Committee and shall cause a copy of such minutes to be forwarded to the Board and the CEO;
- (b) deal with all correspondence relating to the affairs of the Bowls Club in such manner as the Management Committee may direct.
- (c) perform such other duties as may be determined by the Management Committee from time to time.

Games/Match Co-ordinators

14.5 The Games/Match Co-ordinators shall:

- (a) coordinates all weekly match events under direction from the Management Committee;
- (b) form part of the selection committee;

- (c) perform such duties as may be determined by the Management Committee from time to time.

15. GENERAL MEETINGS

- 15.1 A general meeting must be held for a proper purpose.
- 15.2 A general meeting of the Bowls Club (called the Annual General Meeting) shall be held once at least in every calendar year at such time and place as may be determined by the Management Committee but within five months of the close of the financial year of the Registered Club.
- 15.3 All meetings other than Annual General Meetings shall be called general meetings.
- 15.4 The Management Committee may convene a general meeting of the Bowls Club at any time.
- 15.5 The Management Committee must call and arrange to hold a general meeting of the Bowls Club on the request of at least twenty (20) Life members and/or Bowls members.
- 15.6 The request referred to in Rule 15.5 must:
 - (b) be in writing; and
 - (c) state any resolution to be proposed at the general meeting;
 - (d) be signed by the Life members or Bowls members making the request;
 - (e) be given to the Secretary.
- 15.7 The Management Committee must call a general meeting requested in accordance with Rules 15.5 and 15.6, within twenty-one (21) days after the request is given to the Secretary. The general meeting must be held not later than two (2) months after the request is given to the Secretary.

Notice of General Meetings

- 15.8 Notice of a general meeting (including an Annual General Meeting) shall be given to members by the Secretary placing a notice thereof on the Notice Board at least fourteen (14) days prior to the date fixed for the general meeting (or Annual General Meeting).

Attendance and Voting at General Meetings

- 15.9 All members shall be eligible to attend and vote at a general meeting or an Annual General Meeting of the Bowls Club other than Junior Bowls members, Social members and members who are presently under suspension pursuant to Rule 9.
- 15.10 Members who are eligible to attend and vote at an Annual General Meeting may submit items of business and notices of motion which they wish to have included in the business of the Annual General Meeting. All such items of business and notices of motion must be in writing and received by the Secretary at least thirty five (35) days prior to the date fixed for such Annual General Meeting.
- 15.11 A person shall not:
 - (a) attend or vote at any general meeting of the Bowls Club (including an Annual General Meeting) or of the Management Committee or of any Sub Committee; or
 - (b) vote at any election including an election of a member of the Management Committee as the proxy of another person.
- 15.12 The following shall apply in respect of voting at a general meeting (including an Annual General Meeting):
 - (a) Every member eligible to vote shall be entitled to vote on a show of hands and on the taking of a poll and shall have one vote.
 - (b) In the case of an equality of votes, whether on a show of hands or on a poll, the chairperson of the meeting will have a second or casting vote.
 - (c) Subject to this Constitution, every question and ordinary resolution submitted to a

meeting shall be decided by a simple majority of votes from those members present and voting at the meeting.

- (d) Voting shall be on a show of hands unless a poll is demanded.
- (e) Five (5) members or the chairperson of a meeting may demand a poll.
- (f) A demand for a poll may be withdrawn.
- (g) If a poll is demanded it shall be taken in such manner and either at once or after the interval or adjournment or otherwise as the chairperson directs.
- (h) The result of the poll shall be the resolution of the meeting at which the poll was demanded.
- (i) A poll demanded on the election of the chairperson or on a question of adjournment shall be taken immediately.

15.13 At any general meeting (including an Annual General Meeting), unless a poll is demanded, a declaration by the chairperson that:

- (a) a resolution has been carried or carried by a particular majority or lost or not carried by a particular majority; and
- (b) an entry to that effect in the book containing the minutes of the proceedings of the Bowls Club,
- (c) shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against such resolution.

Quorum for General Meetings

15.14 No business shall be transacted at any general meeting of the Bowls Club (including an Annual General Meeting) unless a quorum of members is present.

15.15 At any general meeting of the Bowls Club (including an Annual General Meeting), ten (10) members present in person and eligible to vote shall be a quorum.

15.16 If a quorum is not present within fifteen (15) minutes after the time appointed for the commencement of the meeting, those members present in person and eligible to vote shall be a quorum and may transact any business for which the meeting was called.

Procedure at General Meetings

15.17 The President shall be entitled to take the chair at every general meeting (including an Annual General Meeting). If the President is not present or is unwilling or unable to act then the Vice President shall preside as chairperson. If the Vice President is not present or is unwilling or unable to act then the members present shall elect a member of the Management Committee or one of their number to preside as chairperson of the meeting.

15.18 Except as otherwise provided in this Constitution the procedure at a general meeting (including an Annual General Meeting) shall be as determined by the Management Committee from time to time.

Adjournment of General Meetings

15.19 The chairperson of a general meeting (including an Annual General Meeting) may with the consent of the meeting at which a quorum is present (and shall if so directed by the meeting) adjourn the meeting from time to time and from place to place provided that the meeting shall not be adjourned for more than fourteen (14) days.

15.20 No business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

15.21 A resolution passed at a meeting resumed after an adjournment shall for all purposes be treated as having been passed on the date when it was in fact passed and shall not be deemed to have been passed on any earlier date.

15.22 It shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

Annual General Meeting

- 15.23 The business of an Annual General Meeting of the Bowls Club shall be as follows:
- (a) to confirm the minutes of the previous Annual General Meeting;
 - (b) to receive and consider the Management Committee report;
 - (c) to receive and consider a financial statement and report detailing the finances received and disbursed by the Management Committee;
 - (d) to conduct the election of the Management Committee;
 - (e) to deal with any other business of which due notice has been given to the members.
- 15.24 The chairperson of an Annual General Meeting must allow a reasonable opportunity for members as a whole at the meeting to ask questions about or make comments on the management of the Bowls Club.

16. MINUTES

- 16.1 The Bowls Club must keep minute books in which it records:
- (a) proceedings and resolutions of general meetings (including Annual General Meetings) of the Bowls Club; and
 - (b) proceedings and resolutions of meetings of the Management Committee of the Bowls Club (including meetings of a Sub Committee).
- 16.2 The Bowls Club must ensure that:
- (a) minutes of a meeting are signed within one (1) month of the meeting by the chairperson of the meeting or the chairperson of the next meeting.
 - (b) minutes of the passing of a resolution without a meeting are signed by a Management Committee member within one (1) month of the date on which the resolution is passed.
- 16.3 A minute that is so recorded and signed is evidence of the proceeding, resolution or declaration to which it relates, unless the contrary is proved.

17. BOOKS, RECORDS AND RECORDS

- 17.1 The Management Committee shall cause:
- (a) books, accounts and records as required by the Board to be kept with respect to the Bowls Club; and
 - (b) its books, accounts and records to be kept in accordance with directions from the Board and CEO;
 - (c) to be prepared and submitted to the Board and CEO (at intervals required by the Board and CEO) a statement of the financial position of the Bowls Club and the finances received and disbursed by the Bowls Club;
 - (d) to be kept minute books which record:
 - (i) proceedings and resolutions of general meetings of the Bowls Club; and
 - (ii) proceedings and resolutions of meetings of the Management Committee of the Bowls Club (including meetings of a subcommittee).
 - (e) the minutes of meetings to be signed within one (1) month of the meeting by the chairperson of the meeting or the chairperson of the next meeting;
 - (f) the minutes to be submitted to the Board (at intervals required by the Board).
 - (g) its books, accounts and records of the Bowls Club to be available for inspection by the Registered Club at all times.
- 17.2 All funds held by the Bowls Club (irrespective of how such funds are received) are funds of the Registered Club at all times.

17.3 The Registered Club may require the books, accounts and records of the Bowls Club to be reviewed and audited each year and the Management Committee must use its best endeavours to assist with this process.

18. **ALTERATION OF RULES**

18.1 The Management Committee may submit to the Board a request for an alteration or amendment to this Constitution.

18.2 This Constitution may only be altered or amended by the Board of the Registered Club.